

REMARKS

Claims 1-4 are pending in this application. Claims 5-15 have been previously canceled without prejudice or disclaimer. Claims 1 and 2 are amended herein. No new matter has been added by way of this amendment. Applicants respectfully request entry of the amendment and reconsideration of the above-identified application in view of the above amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 103

1. Claims 1-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes, et al. (US Patent No. 5,890,288), in view of French patent No. 489,717 (FR '717). Applicants respectfully submit that amended independent claim 1 is patentably distinct from the Rhodes patent, either alone or in combination with the FR '717, in view of the above amendment and the following remarks.

Independent claim 1 has been amended to incorporate an element from dependent claim 2 to recite, *inter alia*:

forming a projecting surface structure on a portion of the surface of the blank, after forming along two opposite edges of the blank, two upright edge portions, which between themselves define an at least partly essentially flat web portion, and before....

Applicants respectfully submit that the neither the Rhodes patent, nor FR '717 patent teaches or suggests forming a projecting surface structure after forming the two upright edges.

The June 18, 2003 Office Action concedes that, "The references fail to teach that the embossing is carried out after the edge forming step, but it is considered that it is a matter of

design choice as to when the embossing takes place absent any showing of a new or unusual result.” (See, Office Action, page 3, paragraph 1.). The Office Action states, “Rhodes et al teach...but lack a teaching of embossing the surface of the web structure.” (See, Office Action, page 2, paragraph 7.) The Office Action looks to FR ‘717 to remedy this deficiency. However, FR ‘717 discloses, “The embossed ribs *a* and *b*, which are oriented on the same direction on the unfolded plate (FIG. 1)....” (See, FR ‘717, English Translation Col. 1, line 20-22.) FR ‘717 teaches forming and orienting the ribs *a* and *b* to the unfolded plate. As acknowledged by the Office Action Rhodes does not teach embossing. The Office Action asserts the teaching is found in FR ‘717. However, FR ‘717 teaches embossing the structure before the structure is folded and stapled.

Moreover, Applicants respectfully submit that as discussed in the specification, for example at page 4, lines 7-19, the order recited in amended claim 1, in which the steps are executed is not simply a design choice. In an embodiment of the invention, the order of the steps recited in amended independent claim 1 “minimizes the risk of irregularities occurring in the outer edges of the blank during forming [of the surface structure]....” (See, Specification, page 4, lines 11-12.).

Accordingly, Applicants submit that because the order steps recited in claim 1 are not simply arbitrary and not taught or suggest by the cited references, amended independent claim 1 and the claims dependent therefrom are patentably distinct from the cited references taken alone or in combination. Therefore, Applicants respectfully request withdrawal of this ground of rejection.

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CONCLUSION

It is now believed that all pending claims are in condition for allowance. In view of the amendment and remarks, an early and favorable reconsideration is respectfully requested.

Respectfully submitted,

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